

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HANNAH CORNETT,

Plaintiff,

vs.

GAWKER MEDIA, LLC; A.J. DAULERIO,

Defendants.

Case No.: 2:13-cv-01579-GMN-CWH

ORDER

Pending before the Court is the Ex Parte Motion for an Emergency Order Allowing the Filing of First Amended Complaint (ECF No. 24) filed by Plaintiff Hanna Cornett. Pursuant to Rule 7-5 of the Local Rules of Practice for the United States District Court for the District of Nevada, the Court previously ordered Plaintiff to provide a statement of good cause for filing the instant motion without notice to Defendants Gawker Media, LLC and A.J. Daulerio. (Order, ECF No. 28.) *See also* LR 7-5(b) (“All *ex parte* motions, applications or requests shall contain a statement showing good cause why the matter was submitted to the Court without notice to all parties.”). In response, Plaintiff filed a document styled “Reply to Gawker’s Opposition to Ms. Cornett’s Application to Amend Her Complaint.” (ECF No. 32.)

Local Rule 7-5(c) provides that *ex parte* motions are permitted “*only for compelling reasons*, and not for unopposed or emergency motions.” LR 7-5(c) (emphasis added). Here, Plaintiff asserts that its motion was properly filed *ex parte* for two primary reasons. Plaintiff first asserts that “Plaintiff Hannah Cornett has not sought her *ex parte* application without notice. She gave notice, and in fact, Gawker has filed an opposition to which Ms. Cornett

1 replies herein.”¹ (Pl.’s Reply 2:6-8, ECF No. 32.) Second, Plaintiff appears to contend that she
2 filed this motion

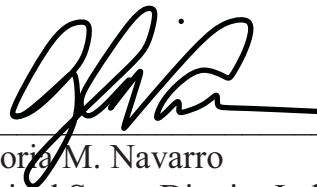
3 instead of a noticed motion because there is a pending 12b motion to dismiss, and
4 this amendment directly addresses the two issues raised in Gawker’s motion to
5 dismiss. Thus, “good cause” exists for the filing of this application to amend by
6 application rather than notice motion, because of the timing of Gawker’s 12b
7 motion to dismiss. If Ms. Cornett had her motion to amend her complaint on
8 regular notice (for a motion) it would occur after Gawker’s 12b motion.

9 (*Id.* at 2:26-3:7 (emphasis in original).)

10 The Court finds that neither of these arguments constitute the “compelling reasons”
11 required by Local Rule 7-5.

12 **IT IS HEREBY ORDERED** that Plaintiff’s Ex Parte Motion (ECF No. 24) shall be
13 unsealed. Defendants’ Response in Opposition to Plaintiff’s Motion to Amend, if any, shall be
14 filed by November 11, 2013. Plaintiff’s Reply, if any, shall be filed by November 18, 2013.

15 **DATED** this 28th day of October, 2013.

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19 Gloria M. Navarro
20 United States District Judge

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25 ¹ The Court advises Counsel to refresh its understanding of the definition of *ex parte*. *See Black’s Law Dictionary* 657 (9th ed. 2009) (defining “ex parte” as “[o]n or from one party only usu[ally] without notice to or argument from the adverse party”).